

REMARKS

Applicant would again like to express its gratitude for numerous courtesies extended to Applicant's representative during the telephone interview of June 12, 2006. Applicant's statement as to the substance of the May 5, 2006 telephone interview follows.

During the interview, claim 1 was discussed along with the Webb, Medwell, Groot and Lundbeck references cited against claim 1. Applicant's representative also discussed Molitoris, which had been cited earlier but had been overcome by a subsequent amendment.

Applicant's representative proposed amending the claim to recite that the headband was circumferentially adjustable.

The principal argument was that the Groot '522 reference from 1965, the Webb '879 reference from 1970 and the Molitoris '765 reference from 1971 indicate that for the last 40 years, the field of ballistic helmet design has only suggested the use of one or more common connection points between the bands and the pads to stabilize the helmet. The Lundbeck '210 reference, directed to a Retainer for Eyewear, was characterized as non-analogous art. Webb provides a headband with one common connection at 22, and a second common connection at 14,23 that functions as a stabilizing point. Groot has common connection points 24,26 and is stabilized by cushions 16 and 17 which contact the user's ears. The combination of Webb and Groot requires eliminating such stabilization point, in the absence of any teaching or suggestion to do so.

As a result, it was agreed that Applicant would consider claiming one headband adjustable to different head sizes in combination with 3 different sets of connection points to define over the art of record. Further language to preclude certain common connections as at 23 in Webb would also be considered. A formal Amendment was filed on May 19, 2006.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 50-1433.

Respectfully submitted,
KEUSEY, TUTUNJIAN & BITETTO, P.C.

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